

September 2009

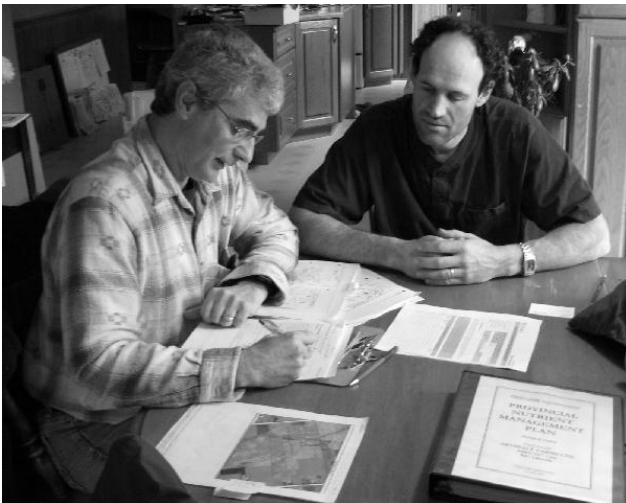
COMPLYING WITH ENVIRONMENTAL LEGISLATION ON FARMS

Agricultural operations must comply with all applicable requirements of environmental legislation and any associated regulations, protocols and approvals.

The Ministry of the Environment is responsible for compliance and enforcement under the Environmental Protection Act, Ontario Water Resources Act, Pesticides Act, Nutrient Management Act, Safe Drinking Water Act and Environmental Assessment Act.

The ministry's responsibilities include conducting inspections, responding to environmental incidents and performing investigations when necessary.

This fact sheet explains the ministry's compliance program, the role of the Agricultural Environmental Officer and steps to perform due diligence. It also provides contact information.



Agricultural Environmental Officer performing an inspection

Protecting our environment.

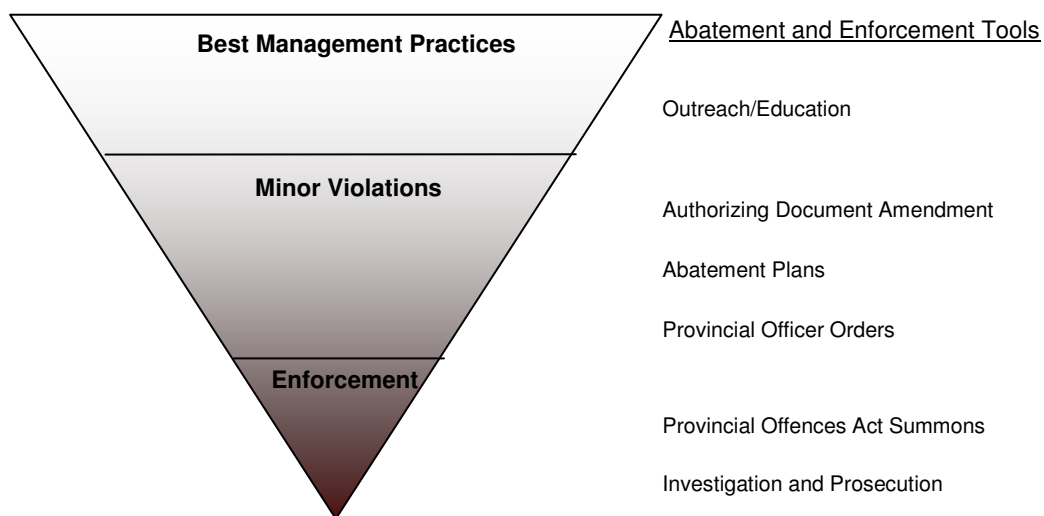


The Compliance Triangle

The diagram below shows how the Ministry of the Environment's on-farm compliance program uses a problem-solving approach to help farmers comply with the law and manage environmental issues.

The ministry's compliance program is designed to move farm operations into compliance, denoted by the lighter area of the triangle. A similar approach is taken to achieve compliance under all acts administered by the ministry.

The ministry's Agricultural Environmental Officers work directly with farm owner-operators to help them achieve compliance and resolve issues.



Compliance and Enforcement

The ministry's Environmental Officers are Provincial Officers with authority and responsibility to conduct inspections under environmental legislation. Agricultural Environmental Officers receive specialized agricultural training in addition to environmental training.

An Agricultural Environmental Officer will inspect a farm operation to determine if it meets legislative requirements and/or conditions of an approval. A farm operation may also be inspected in response to a complaint, referral, spill or an environmental incident, or as a follow-up for prior violations.

When corrective action is required, Agricultural Environmental Officers have a number abatement and enforcement tools that can be used.

Serious issues may be referred to the ministry's Investigations and Enforcement Branch for an investigation to gather evidence and determine whether or not charges are appropriate. Even while an investigation is ongoing, other tools may be used to achieve compliance.

Adverse Effect and Due Diligence

Environmental Officers have the authority to prevent the occurrence or reoccurrence of an adverse effect to the environment or human health.

All farm owners-operators are encouraged to exercise due diligence to minimize the potential of an adverse effect occurring. This means taking reasonable steps to prevent causing harm to others or the environment from any activity undertaken. Reasonable steps may include:

- Check that your operation meets requirements of applicable legislation
- Know the contents of your ministry-approved nutrient management strategy/plan and have a copy readily available for reference
- Discuss legislative requirements and ministry-approved strategy/plan with workers
- Update your ministry-approved strategy/plan for significant changes
- Check that all records are complete, accurate and organized
- Have a contingency plan and follow it when necessary.

For More Information

To better understand how compliance tools apply to your operation, please review the fact sheet "Compliance Tools of the Nutrient Management Act".

For more information on your legal obligations and environmental legislation, you may wish to consult with a lawyer and review a copy of the ministry's legislation on Ontario's e-Laws website at www.e-laws.gov.on.ca.

Questions or reports of environmental incidents should be directed to a Ministry of the Environment office during regular business hours (see the Blue Pages in your phone book, or a listing on the ministry's website at www.ene.gov.on.ca/en/about/org/index.php#4).

After business hours, call the Ministry of the Environment Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477) or the Spills Action Centre at 1-800-268-6060, or e-mail moe.tips.moe@ontario.ca.